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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MARKIECE PALMER,

Plaintiff,

v.

TIMOTHY FILSON,

Defendant.

Case No. 3:18-cv-00302-MMD-WGC

ORDER

I. DISCUSSION

Plaintiff has filed a “notice of intent to file” a complaint, a complaint supplement, and a motion to amend complaint. (ECF Nos. 1-1, 5, 7). The Court notes that it will not piecemeal Plaintiff’s pleadings together to create Plaintiff’s complaint for him. Plaintiff’s operative complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. As such, the Court grants Plaintiff leave to amend (ECF No. 7) in order to file a fully complete first amended complaint.

If Plaintiff chooses to file a first amended complaint he is advised that a first amended complaint supersedes (replaces) the original complaint and, thus, the first amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original”); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims

1 in a subsequent amended complaint to preserve them for appeal). Plaintiff's first
2 amended complaint must contain all claims, defendants, and factual allegations that
3 Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the first amended
4 complaint on this Court's approved prisoner civil rights form and it must be entitled "First
5 Amended Complaint."

6 **II. CONCLUSION**

7 For the foregoing reasons, IT IS ORDERED that the motion to amend complaint
8 (ECF No. 7) is granted.

9 IT IS FURTHER ORDERED that, if Plaintiff chooses to file a first amended
10 complaint, Plaintiff shall file the first amended complaint within 30 days from the date of
11 entry of this order.

12 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
13 approved form for filing a § 1983 complaint, instructions for the same, and copies of his
14 notice of intent to file, complaint supplement, and request to amend. (ECF Nos. 1-1, 5,
15 7). If Plaintiff chooses to file a first amended complaint, he must use the approved form
16 and he shall write the words "First Amended" above the words "Civil Rights Complaint" in
17 the caption.

18 IT IS FURTHER ORDERED that, if Plaintiff does not timely file a first amended
19 complaint, the Court will dismiss this case, without prejudice, and direct Plaintiff to open
20 a new case when he is able to file a fully complete complaint.

21 DATED: August 7, 2018.

22 *William G. Cobb*

23 UNITED STATES MAGISTRATE JUDGE